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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08 841,027	04 29 1997	SATISH KUMAR GAGGAR	8CP-12236A(F)	2760

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EXAMINER

SZEKELY, PETER A

ART UNIT

PAPER NUMBER

1714

DATE MAILED: 07 23 2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/841,027

Applicant(s)

GAGGAR ET AL.

Examiner

Peter Szekely

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 11-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 11-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
☐ The acknowledgment of the filing of a provisional application has been received.

1) ☐ Notice of References Cited (PTO-306)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-648)

3) ☐ Information Disclosure Statement(s) (PTO-1449, Paper Notice)

4) ☐ Notice of Substantive Examination (PTO-601)

5) ☐ Notice of Informal Patent Application (PTO-615)

6) ☐ Other

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 11-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no mention in the specification of a composition retaining 80% or more of the original Izod impact strength. The specification mentions only about 80% on page 16, line 23 and Examples 1 and 2 show 96.5% and 89.4% respectively. 80% or more means 80-100%.

3. Claims 11-23 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for an impact strength retention of from about 80% to 96.5%, does not reasonably provide enablement for an impact strength retention of 80-100%. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims. 80% or more means from 80% to 100%.

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can

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5. Claims 11-15 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eckel et al. 5,672,645 or Buysch et al. 4,883,835, in view of Yang et al. 5,643,981.

6. Eckel et al. disclose 40-98 pbw polycarbonate, 3-50 pbw SAN, 0.5 pbw ABS, 0.5-20 pbw phosphate flame retardant and 0.05-5 pbw of PTFE in claim 6. The molecular weight range of the PC is 10,000-200,000 (column 4, lines 7-10); the molecular weight of the SAN is 15,000-200,000 (column 4, lines 60-65). Up to 90% of the ABS can be butadiene (column 6, lines 13-16). The contents of Buysch et al. are similar, with the notable exception of the lower concentration limit of the SAN copolymer being 5 pbw instead of 3 pbw. Yang et al. teach 100 pbw of a resin blend of 60-80% by weight of polycarbonate, 2-40% by weight of ABS and 0-20% of SAN being mixed with 4-27 pbw of phosphate and 0.1-2.0 pbw of PTFE in claim 1. The butadiene content of the ABS is 10-60% by weight (claim 5). It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to use less than 2.5% by weight of SAN in the compositions of Eckel et al. or Buysch et al., since Yang et al. teach that lower concentrations of the polymer can be used without any impairment of the desired properties, while improving the flexibility and lowering the cost. Furthermore, if the pbw of Eckel et al. are converted to weight percent, the minimum amount of SAN disclosed by the reference is 1.8% by weight, which is well within applicants' 1-2.5% by weight range. The 2.7% by weight minimum of Buysch et al. is also close enough to 2.5% by weight to make it obvious. None of the cited references recite the blend of two

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Szekely whose telephone number is (703) 308-2460. The examiner can normally be reached on 7:00 a.m.-5:30 p.m. Tuesday-Friday.

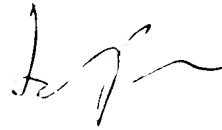
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (703) 306-2777. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Peter Szekely
Primary Examiner
Art Unit 1714

P.S.
July 21, 2003